PAC

OBLON
SPIVAK
MCCLELLAND
MAIER
&
NEUSTADT
P.C.
ATTORNEYS AT LAW

Docket No.: 210679US2SRD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/893,874
Applicants: Hideki KOBAYASHI, et al.
Filing Date: June 29, 2001
For: APPARATUS FOR ENVIRONMENTAL IMPACT ESTIMATION AND METHOD AND PROGRAM STORED IN A COMPUTER READABLE MEDIUM FOR EXECUTING THE SAME
Group Art Unit: 2123
Examiner: Sharon, Ayal I.

SIR:

Attached hereto for filing are the following papers:

Petition under 37 C.F.R. §1.181
Copy of PTO-1449 Form
Copy of Japanese Office Action with English translation
Copy of Date-Stamped Filing Receipt

Our check in the amount of **$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28,870

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)

DOCKET NO: 210679US2SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
HIDEKI KOBAYASHI, ET AL.	: EXAMINER: SHARON, AYAL I.
SERIAL NO: 09/893,874	: DATE ALLOWED: NOVEMBER 7, 2005
FILED: JUNE 29, 2001	: GROUP ART UNIT: 2123
FOR: APPARATUS FOR ENVIRONMENTAL IMPACT ESTIMATION AND METHOD AND PROGRAM STORED IN A COMUPUTER READABLE MEDIUM FOR EXECUTING THE SAME	:

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

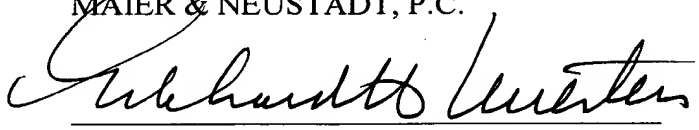
SIR:

In accordance with 37 C.F.R. §1.181, Applicants respectfully request the Examiner to acknowledge as considered the publication references AW-AY, in the PTO-1449 form filed with the Information Disclosure Statement (IDS) on October 11, 2005. The references are cited in the Japanese Office Action of September 6, 2005 in the Japanese counterpart application 2001-200222. The office action was submitted together with an English translation, thereby serving as statement of relevancy for the references AW-AY. According to M.P.E.P. §609.04(a) III, "[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." A copy of the PTO-1449 form together

with the Japanese Office Action and the English translation thereof is enclosed, along with a copy of the date-stamped filing receipt.

Accordingly, it is respectfully requested that this petition be granted and the IDS be acknowledged.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Dept.: E/M

OSMM&N File No. 210679US2SRD By: EHK/NPS/vss

Serial No. 09/893,874

In the matter of the Application of: Hideki KOBAYASHI, et al.

For: APPARATUS FOR ENVIRONMENTAL IMPACT ESTIMATION AND METHOD AND PROGRAM STORED IN A COMPUTER READABLE MEDIUM FOR EXECUTING THE SAME

Due Date: October 12, 2005

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ■ Credit Card Form for $180.00
- ■ Dep. Acct. Order Form
- ■ Information Disclosure Statement
- ■ PTO-1449
- ■ Cited References 8
- ■ Japanese Office Action dated September 6, 2005 (with English translation)

Form PTO 1449 (Modified) — U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT

ATTY DOCKET NO.	SERIAL NO.
210679US2SRD	09/893,874
APPLICANT	
Hideki KOBAYASHI, et al.	
FILING DATE	GROUP
June 29, 2001	2123

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	TRANSLATION NO
	AO	11-288427	10/19/1999	Japan (with English abstract)		X
	AP	63-144937	6/17/1988	Japan (with English abstract)		X
	AQ	11-267951	10/5/1999	Japan (with English abstract)		X
	AR	11-3101	1/6/1999	Japan (with English abstract)		X
	AS	5-314094	11/26/1993	Japan (with English abstract)		X
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Tomioka et al., "IT Utilization Strategy for Each Product and Attracted Company: Aim at Adoption to Lifetime Reduction, Cost Reduction and Parts Recycle," Nikkei Digital Engineering, Japan, Nikkei Business Publications, Inc., January 15, 2000, No. 26, pp. 104-111.
	AX	Watanabe et al., "Technique for Recycling Parts of Copying Machine," Nikkei Mechanical, Japan, Nikkei Business Publications Inc., September 8, 1997, No. 514, pp. 22-23.
	AY	Kimura, "Inverse Manufacturing," IEEE Journal, Japan, The Institute of Electronics, Information and Communication Engineers, August 25, 1997, Vol. 80, No. 8, pp. 791-797.
	AZ	☐ Additional References sheet(s) attached

Examiner	Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Translation) Mailed: September 6, 2005

NOTIFICATION OF REASONS FOR REJECTION

Patent Application No.: Japanese Patent Application No. 2001-200222

Examiner's Notice Date: September 1, 2005

Examiner: Takahiro INOSE 9560 5L00

Attorney for Patent Applicant: Takehiko SUZUYE (other 6 attorneys)

Applied Sections: Main Clause of Section 29, Section 29 (2) and Section 36

This application is rejected on the grounds stated below. Any opinion about the rejection must be filed within 60 DAYS of the mailing date hereof.

REASONS

A. The invention is unpatentable under Section 29 (2) of the Patent Law, as being such that the invention could easily have been made by a person with ordinary skill in the art to which the invention pertains, on the basis of the inventions described in the following publications distributed in Japan or a foreign country prior to this application or the invention made available to the public through electric telecommunication lines in Japan or a foreign country prior to this application.

REMARKS

- Claims 1 to 22

- References Cited:

1. Jpn. Pat. Appln. KOKAI Publication No. 11-288427
2. Tunenori Tomioka, Masaru Yoshida, Chikara Nakayama & Tomohisa Takei, "IT Utilization Strategy for Each Product and Attracted Company: Aim at Adoption to Lifetime Reduction, Cost Reduction and Parts Recycle," Nikkei Digital Engineering, Japan, Nikkei Business Publications Inc., January 15, 2000, No. 26, pp. 104 to 111
3. Tomio Watanabe & Masayoshi Yamaguchi, "Technique for Recycling Parts of Copying Machine," Nikkei Mechanical, Japan, Nikkei Business

Publications Inc., September 8, 1997, No. 514, pp. 22 to 23

4. Fumihiko Kimura, "Inverse Manufacturing," IEEE Journal, Japan, The Institute of Electronics, Information and Communication Engineers, August 25, 1997, Vol. 80, No. 8, pp. 791 to 797

Remark:

The design support system for performing structural modeling associated with recycle, as disclosed in Reference 1 and elsewhere, was well known in the art, and the prediction/construction of such modeling with consideration for the recycle of reusable parts was also well known in the filed of copying machines and the like, as disclosed in References 2 to 4 and elsewhere.

The following features [1] to [4] should be set/employed by those skilled in the art as appropriate.

[1] Approximate prediction of the distribution of the number of products (For example, see Jpn. Pat. Appln. KOKAI Publication No. 63-144937 as a well-known example.)

[2] Setting the production time period to an arbitrary time period (from the start to end of the production) (For example, see Jpn. Pat. Appln. KOKAI Publication No. 11-267951.)

[3] Setting the expected production time period to the time period until the end of the lifetime of the product value (time when a next product will be introduced) (for example, see Jpn. Pat. Appln. KOKAI Publication No. 11-3101 (paragraph [0040] and elsewhere).)

[4] Prediction of the distribution of the number of products by trigonometric approximation (for example, see Jpn. Pat. Appln. KOKAI Publication No. 5-314094.)

Accordingly, the present invention has been accomplished merely by employing the commonly known features as appropriate, and would thus be duly predictable to those skilled in the art.

B. The application fails to satisfy the requirements under Section 29 (1), Section 36 (4) and Section 36 (6) (ii) of the Patent Law, on the grounds that the specification and the drawing(s) are defective in the following respects.

REMARKS

The claims of the present application merely specify the means or procedures (steps) from the viewpoint of the functions and actions, and do not specifically set forth the mechanism of information processing associated with the processing such as the evaluation of model construction, the mechanism on a relevant system. Thus, the claims are not based on technical support, and thus do not present any specific technical idea as information processing. Especially, since the claims do not clearly define, as the substantive feature, the device for embodying the functions involved in the model construction and evaluation, or the specific mechanism of information processing (such as a specific features realized by software and hardware resources in cooperation with each other), the inventions claimed in the claims of the present application are considered to correspond to a concept wherein a vague process is indicated as an idea.

Therefore, these procedures recited in the present claims are agreements as mere business procedures, are simply specified by general functions and actions in the business procedures, and cannot thus be said to be constituted based on the specific mechanism as "computer software" which should be a premise of the invention.

Accordingly, the present invention has not been accomplished based on any specific technical idea and technical features (such as features realized by software and hardware resources in cooperation with each other), is merely specified by presenting the general functions and actions, and thus does not fall within the technical idea utilizing the law of nature.

If a new reason for rejection is noticed, a further Official Action will be issued.

Prior Art Search Report

Searched Field: IPC 7th ed. G06F 17/60 etc.

The result of this prior art search does not constitute the reasons for rejection.

01S0165 {-1C -1C2 担当 浜坦

整理番号:A000103560　発送番号:333434　発送日:平成17年 9月 6日　1

拒絶理由通知書

特許出願の番号	特願２００１－２００２２２
起案日	平成１７年　９月　１日
特許庁審査官	猪瀬　隆広　９５６０　５Ｌ００
特許出願人代理人	鈴江　武彦（外　６名）　様
適用条文	第２９条柱書、第２９条第２項、第３６条

17.11.-5

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から６０日以内に意見書を提出して下さい。

理　由

Ａ．この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第２９条第２項の規定により特許を受けることができない。

記

・請求項：　１－２２

・引用文献：
１．特開平１１－２８８４２７号公報
２．富岡恒憲，吉田勝，中山力，竹居智久，製品別・注目企業にみるＩＴ活用戦略　短寿命化，低価格化，部品再利用へ対応狙う，日経デジタルエンジニアリング，日本，日経ＢＰ社，２０００年1月１５日，第２６号，第１０４－１１１頁
３．渡辺富夫，山口正好，複写機の部品再利用技術，日経メカニカル，日本，日経ＢＰ社，１９９７年９月８日，第５１４号，第２２－２３頁
４．木村文彦，インバース・マニュファクチャリング，電子情報通信学会誌，日本，社団法人電子情報通信学会，１９９７年８月２５日，第８０巻，第８号，第７９１－７９７頁

・備考：
たとえば第１引用文献のように、リサイクルに係る構造的なモデリングを行う設計支援のためのシステムはすでに知られていた構成であり、再利用部品の再利用を考慮して、そのモデリングを予測・構築することについても、例えば第２－４のように、すでに複写機等の分野ではごく周知であった事項である。

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なお、［１］生産台数分布を近似予測すること（例えば周知例として特開昭６３－１４４９３７号公報等参照）、［２］生産台数分布の予測条件設定の際に、生産時期を任意の時期（生産開始から生産終了）に設定すること（例えば、特開平１１－２６７９５１号公報等参照）、［３］見込み生産時期を製品価値寿命（次期製品投入時期）までとすること（例えば、特開平１１－３１０１号公報の４０段落等参照）、［４］生産台数分布予測を三角近似によって行うこと（特開平５－３１４０９４号公報等参照）等については、いずれも必要に応じて任意に設定・採用されるべき事項にふくまれる。

したがって、本願に掲げられている構成は、既に広く知られていた事項を任意に採用したような構成であって、いずれも当業者が予見し得る範囲内の構成であるから、進歩性を有しない。

Ｂ．この出願は、明細書及び図面の記載が下記の点で、特許法第２９条第１項柱書、特許法第３６条第４項、および特許法第３６条第６項第２号に規定する要件を満たしていない。

記

本願の各請求項の記載では、その手段や手順（ステップ）が、いずれも漠然と機能的・作用的に記載されているにとどまり、モデル構築の評価等の処理に係る具体的な情報処理のしくみや、システム上の機構などが具体的に記載されておらず、技術的な裏付けに基づく記載ではないから、情報処理としての具体的な技術思想を示していない。とくに、これらのモデル構築・評価に係る機能を具現化するための装置や情報処理における具体的なしくみ（例えばソフトウエアおよびハードウエア資源が協動してなされる具体的な構成等）が、実体的な事項として明記されていないから、本願はいずれも漠然とした方法をアイディアとして示した概念に相当するものと考えられる。

そのため、本願に示されるこれらの手順は、単なる業務上の手順としての取り決めであって、業務の手順における一般的な機能や作用を示しただけにすぎないから、発明の前提となるべき「コンピュータソフトウエア」としての具体的なしくみを根拠として構成されているものということができない。

したがって、本願発明は、具体的な技術的思想および技術上の構成（ソフトウエアおよびハードウエア資源が協動してなされる具体的な情報処理の構成等）に基づいておらず、一般的な機能・作用の提示にとどまる記載であるため、自然法則を利用した技術的思想を構成していない。

拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

先行技術文献調査結果の記録

・調査した分野　ＩＰＣ第７版　Ｇ０６Ｆ　１７／６０ほか

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。